

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

BRIAN ALLEN DONALD

§

VS.

§ CIVIL ACTION NO. 9:13cv293

DIRECTOR, TDCJ-CID

§

MEMORANDUM OPINION AND ORDER

Petitioner Brian Allen Donald, an inmate confined at the Boyd Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a prison disciplinary conviction.

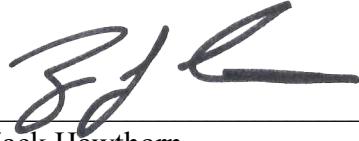
Discussion

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the federal judicial district in which he was convicted or the district in which he is incarcerated. Petitioner's criminal convictions occurred in Brazos County and Madison County. Pursuant to 28 U.S.C. § 124, Brazos County and Madison County are located in the Houston Division of the United States District Court for the Southern District of Texas. Petitioner is currently confined at the Boyd Unit, which is located in Freestone County. Pursuant to Section 124, Freestone County is located in the Waco Division of the United States District Court for the Western District of Texas.

As the above paragraph indicates, petitioner is not incarcerated in, and his criminal convictions did not occur in, the Eastern District of Texas. As a result, this court lacks jurisdiction over the petition.¹

As petitioner is challenging a prison disciplinary conviction, it is
ORDERED that this petition for writ of habeas corpus is **TRANSFERRED** to the Waco Division of the United States District Court for the Western District of Texas.

SIGNED this 16th day of April, 2014.



Zack Hawthorn
United States Magistrate Judge

¹ Petitioner's disciplinary conviction occurred at the Lewis Unit, which is located within the Eastern District. However, this fact is insufficient to give this court jurisdiction over the petition. *See Wadsworth v. Johnson*, 235 F.3d 959, 962-63 (5th Cir. 2000).